

in evidence.

MR. PFEIFFER: No objection.

(Marked in evidence.)

Q Lieutenant, here are three shells said to have been put in your possession, or that you got them up there, I don't know which; can you identify those shells by the envelope they are in?

A I believe they are, yes, sir; they are Peters shells.

Q Where did you get these shells?

A. They were turned over by Conkling, and one reporter gave me a shell, and one was found by the body.

Q. The shells, you say, were found by Conkling when you were there with him?

A. One shell was found by Conkling.

Q. And where did the other two come from?

A. One was picked up on the ground and a reporter turned one in. They were all Peters' shells, which I believe these are the same ones.

Q. What do you mean Peters' shells?

A. Peters' make.

Q. Oh, Peters make the cartridge?

A. Yes, Peters' shells.

Q. Can you tell by examining them what the caliber is?

A. .32.

Q. Do these shells indicate whether the cartridge could be discharged in an automatic revolver?

A. Yes, sir.

Q. These shells were in your possession and they seem to be marked here "January 15, 1922", do you know anything about that?

A. January 15, 1922, that is an old envelope just happened to be put in for safekeeping.

Q. It says your employer deposits with the First National Bank of Bound Brook, New Jersey -- did you have those envelopes in your office when Beekman was prosecutor, do you know, to file things away in?

A. I can't account for where that envelope came from

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although it has my first initial "G" and my name on it.

Q. It has been initialed by you ?

A. Yes, sir.

Q. And it contains these shells and you have had possession of these shells, haven't you ?

A. Yes, sir.

Q. Where are your initials on it ?

A. (Indicating "G.T.")

Q. So, "Name Totten, G." and there are no other markings on there that you identify as having been made by you, are there?

A. No.

MR. SIMPSON: I offer the envelope and shells in evidence.

(Marked Exhibit S06 of August 28th, 1926.)

CROSS EXAMINATION BY MR. PFEIFFER:

Q. These are three number thirty-two caliber shells, are they Detective Totten ?

A. Yes, sir.

Q. And ^{so} ~~is~~ that a thirty-two caliber bullet could be fired from this shell ?

A. I believe so.

Q. You have had a lot of experience with firearms, haven't you ?

A. A thirty-eight bullet would not, of course, go in

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that shell, or a twenty-two would not fit in the shell. Those were made to contain a thirty-two.

MR. PFEIFFER: If your Honor please, I would like to make a suggestion to the State. It seems to me that is a very inadequate envelope to put this sort of a exhibit, which is of considerable importance, in. It is already torn and the shells could drop out very easily.

MR. SIMPSON: Your Honor will realize it is very important to get every bit of physical evidence in a four year old case. That is the reason I think this envelope is important. That is all, Mr. Totten.

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FRANK M. DEINER, a witness produced on behalf of the State, being duly sworn according to law, on his oath testified as follows :

DIRECT EXAMINATION BY MR. SIMPSON:

Q. Where do you live, Mr. Deiner ?

A. 22 Jones Avenue, New Brunswick, New Jersey.

Q. What is your occupation, Daily Home News.?

Q. Were you a reporter for the Daily Home News on the 16th of September, 1922 ?

A. I was.

Q. Were you sent to the place where the bodies were found ?

A. I was not.